

Notice of Allowability

Application No.

10/615,162

Examiner

Boyer D. Ashley

Applicant(s)

YANG, BENJAMIN H.

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to _____.
 2. ☒ The allowed claim(s) is/are 1-6.
 3. ☒ The drawings filed on 08 July 2003 are accepted by the Examiner.
 4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Benjamin H. Yang on 9/20/04.

The application has been amended as follows:

In claim 1, line 7, insert --blade-- between "leading" and "base";

In claim 1, line 9, insert --blade-- between "leading" and "base";

In claim 1, line 11, insert --blade-- between "leading" and "base";

In claim 1, lines 14-15, insert --blade-- between "leading" and "base";

In claim 1, line 18, insert --blade-- between "leading" and "base";

In claim 1, line 15, replace "the overall tooth height" with --an overall tooth height--;

In claim 1, line 15-16, replace "the corresponding cutting saw teeth" with --corresponding cutting saw teeth--;

in claim 2, line 5, replace "the rear longitudinal end" with --a rear longitudinal end--.

2. The following is an examiner's statement of reasons for allowance: The prior art of record fails to anticipate or make obvious the structure of claim 1; more specifically, the prior art of record fails to disclose the outwardly projecting fracturing member with

non-cutting edges located along the cutting edge and disposed intermediate of the cutting teeth, that is, "disposed at a predetermined position along the cutting edge interrupting the extending line of cutting saw teeth". The fracturing member further having an overall height between 1.2 and 4 times the overall height of surrounding cutting saw teeth.

The closest prior art reference is Morse, U.S. Patent 2,916,066. Morse discloses hand saw for creating keyholes. Morse discloses a non-cutting stop (16/17/21) for preventing the blade from be completely removed from the workpiece while cutting. Morse lacks the fracturing member located intermediate the cutting teeth and at a height 1.2 and 4 times the height of the surrounding cutting teeth. Furthermore, there is no motivation for having the stop of Morse located intermediate the cutting teeth as it would defeat the purpose of the keyhole saw. Nitschmann discloses a chain saw with non-cutting riders along the chain for the purpose of visibly marking the movement of the saw chain around the guide bar. Nitschmann is considered by the examiner to be non-analogous art because saw chains are made up of a plurality of links with and without cutting teeth. Therefore, there is no substantially flat blade body with "a selected overall surface configuration with a predetermined cross sectional thickness dimension and defining an outer leading blade base edge".

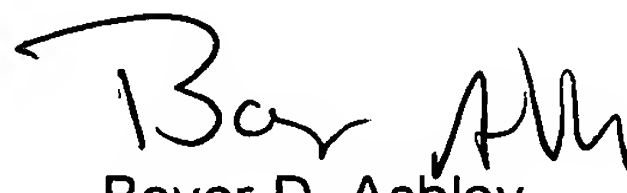
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boyer D. Ashley whose telephone number is 703-308-1845. The examiner can normally be reached on Monday-Thursday 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 703-308-1082. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Boyer D. Ashley
Primary Examiner
Art Unit 3724

BDA
September 19, 2004